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Practitioner's Docket No. 701826-050018-CIP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Guy Leclerc and Rémi Martel
Title: RADIOLABELED DNA CARRIER, METHOD OF PREPARATION AND THERAPEUTIC USES THEREOF
Serial No.: Not yet assigned Examiner: Not yet assigned
(Continuation-in-Part of US Serial No. 09/318,106)
Filing Date: Herewith Group: Not yet assigned
(Filed on 24 May 1999)

Preliminary Classification: 536

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P. Section 601, 7th ed.

CERTIFICATE OF MAILING

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. EL565095425US in an envelope addressed to Box Patent Application, Assistant Commissioner of Patents, Washington, D.C. 20231.

Date: 2 February 2001

Nicole M. Gignac

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

1. Type of Application

This new application is for a

(check one applicable item below)

- ☐ Original (nonprovisional)
☐ Design
☐ Plant
☐ Divisional.
☐ Continuation.
☒ Continuation-in-part (C-I-P).

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2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. applications.
Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE
BENEFIT OF PRIOR U.S. APPLICATIONS IS CLAIMED.

3. Papers Enclosed

A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

29 Pages of Specification

5 Pages of Claims

13 Sheets of Drawing

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO
ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

☐ Formal

☐ Informal

B. Other Papers Enclosed

1 Pages of declaration and power of attorney

1 Pages of Abstract

5 Other – Sequence Listing

4. Additional Papers Enclosed

- ☐ Amendment to claims
☐ Cancel in this applications claims _____ before calculating the
filing fee. (At least one original independent claim must be retained for filing
purposes.)
☐ Add the claims shown on the attached amendment. (Claims added have been
numbered consecutively following the highest numbered original claims.)
☒ Preliminary Amendment (including version with markings to show changes)
☒ Information Disclosure Statement (37 C.F.R. Section 1.98)
☒ Form PTO-1449 (PTO/SB/08A and 08B)
☐ Citations
☐ Declaration of Biological Deposit
☒ Submission of "Sequence Listing," computer readable copy and/or amendment
pertaining thereto for biotechnology invention containing nucleotide and/or amino acid
sequence; sequence listing requirement and statement under 1.82(f).
☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
☐ Special Comments
☐ Other

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5. Declaration or Oath (including power of attorney)

☒ Enclosed

Executed by Guy Leclerc and Rémi Martel

(check all applicable boxes)

☒ inventors.

☐ legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

☐ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).

☐ Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. Section 1.41(d))

6. Inventorship Statement

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. Language

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

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8. Assignment

[X] An assignment of the invention is concurrently being filed under separate cover to addressed to Box Assignment, Assistant Commissioner for Patents, Washington D.C. 20231.

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. no.	Filed
Country	Appln. no.	Filed
Country	Appln. no.	Filed

from which priority is claimed

[] is (are) attached.

[] will follow.

10. Fee Calculation (37 C.F.R. Section 1.16)

A. [X] Regular application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$710.00
Total Claims (37 C.F.R. Section 1.16(c))	26	- 20 =	6 x	\$18.00	\$108.00
Independent Claims (37 C.F.R. Section 1.16(b))	3	- 3 =	0 x	\$80.00	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))					
		+		\$270.00	

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- ☐ Amendment cancelling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 818.00

- B. ☐ Design application
(\$320.00--37 C.F.R. Section 1.16(f))

Filing Fee Calculation \$ _____

- C. ☐ Plant application
(\$490.00--37 C.F.R. Section 1.16(g))

Filing Fee Calculation \$ _____

11. Small Entity Statement(s)

- ☒ Statement that this is a filing by a small entity under 37 C.F.R. Section 1.9 and 1.27 is attached.

(complete the following, if applicable)

- ☐ Status as a small entity was claimed in prior application
_____/_____, filed on _____ from which benefit is being
claimed for this application under:

35 U.S.C. Section ☐ 119(e),
☐ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above) \$ 409.00

12. Request for International-Type Search (37 C.F.R. Section 1.104(d))

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

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13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee \$ 409.00

☐ One-month extension fee pursuant to
Section 1.136(a). \$ _____

☐ Recording assignment
(\$40.00; 37 C.F.R. Section 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION.") \$ _____

☐ Petition fee for filing by other
than all the inventors or person
on behalf of the inventor where
inventor refused to sign or cannot
be reached
(\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i))\$

☐ For processing an application with a
specification in a non-English language
(\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))\$

☐ Processing and retention fee
(\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))\$

☐ Fee for international-type search report
(\$40.00; 37 C.F.R. Section 1.21(e)) \$

Total Fees Enclosed \$ 409.00

14. Method of Payment of Fees

☒ Check in the amount of \$ 409.00.

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☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0850.

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. Section 1.17(a)(1)-(5) (one-month extension fee pursuant to Section 1.136(a).

☐ 37 C.F.R. Section 1.17 (application processing fees)

☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

16. Instructions as to Overpayment

☒ Credit Account No. 50-0850.

☐ Refund

Date: February 2, 2001

Reg. No. 34,235

Tel. No.: (617) 345-1000, X6057

Customer No.:


SIGNATURE OF PRACTITIONER

David S. Resnick

(type or print name of practitioner)

NIXON PEABODY LLP

101 Federal Street

Boston, MA 02110

P.O. Address

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☒ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 5

☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

☐ This transmittal ends with this page.

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Box Patent Application
 Assistant Commissioner for Patents
 Washington D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" Label Number EL565095425US

Date of Deposit 2 February 2001I hereby state that the following *attached* papers:

1. New Application Transmittal (8 pgs);
2. Added Pages for Application Transmittal Where Benefit of Prior U.S. Applications Claimed (5 pgs);
3. Continued-in-Part Application (53 pgs): Specification (29 pgs); Claims (5 pgs); Drawings (13 pgs); Abstract (1 pg) and Sequence Listing (5 pgs);
4. Preliminary Amendment (including Version with Markings to Show Changes) (3 pgs);
5. Information Disclosure Statement (2 pgs);
6. Form PTO 1449 (2 pgs);
7. Sequence Listing Requirement (1 pg);
8. Statement Under 1.821(f) (1 pg);
9. Computer Readable Disk of Sequence Listing (1 disk);
10. Paper Readable Copy of Sequence Listing (5 pgs);
11. Combined Declaration for Patent Application and Power of Attorney (1 pg);
12. Verified Statement (Declaration) Claiming Small Entity Status [37 C.F.R. 1.9(f) and 1.27(c)] – Small Business/Non-Profit Organization (1 pg);
13. Copy of Petition and Fee for Extension of Time (37 C.F.R. Section 1.136(a)) (2 pgs);
14. Check in the Amount of \$409.00;
15. Return Receipt Postcard.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Box Patent Application, Assistant Commissioner for Patents, Washington D.C. 20231.

Nicole M. Gignac

Signature of person mailing papers